HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.14095 OF 2006

Between:
Velagapudi Vanaja & another

..... Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Prl. Secretary, Hyderabad
& others.

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Shri K. Venkata Reddy

Counsel for Respondent Nos. 1 and 3 to 8 : Government Pleader

Panchayat Raj

Counsel for Respondent No.2 : Shri V.V. Prabhakar Rao

Dated: 01.08.2006

Per G.S.Singhvi, CJ

In this petition, the petitioners have prayed for grant of a declaration that the action of the respondents in preparing wrong voters' list and changing their votes from 16th Ward (New), 13th Ward (Old) of Yenamalakuduru Village, Penamaluru Mandal, Krishna District is illegal, arbitrary and against the principles of natural justice. They have also prayed for issue of a mandamus to the respondents to correct the entry in the voters' list of Village Yenamalakuduru, Penamaluru Mandal, Krishna District and shift their votes from 19th Ward to 16th Ward (New), 13th Ward (Old) of Village Yenamalakuduru.

In the affidavit filed by petitioner No.1 Smt.Velagapudi Vanaja, it has been averred that for the last twenty years she has been residing in House No.20-83, Yenamalakuduru Village along with her husband-petitioner No.2, who is Village President of Telugu Desam Party of the village. She has further averred that she is having a valid voter identity card issued by the Electoral Registration Officer, Kankipadu, and she has exercised franchise in the Assembly Elections held in 2004. Still further, she has averred that in the previous Panchayat elections held in 2001, the votes of herself and her husband were in 13th Ward of Yenamalakuduru Village, but in the list published in January, 2006,

her name has been shown at Sl.No.17102 by giving wrong door number. According to the petitioner, her name along with that of her husband has been wrongly shown in 19th Ward and despite applications made by them, no corrective action has been taken. She has also alleged that this change has been effected with an oblique motive to deprive them of their legitimate right to participate in the forthcoming elections.

In the counter-affidavit filed by Shri T. Sravan Kumar, District Panchayat Officer, Machilipatnam, Krishna District, it has been averred that the electoral rolls have been prepared in accordance with the provisions of Section 11 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the 1994 Act') read with Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 (for short 'the 2000 Rules'). It has been further averred that after publication of the electoral roll, the petitioners did not make any representation or lodge any claim in terms of proviso to Section 11 of the 1994 Act and Rule 6 of the 2000 Rules.

We have heard learned counsel for the parties. The 1994 Act and the 2000 Rules constitute a complete code unto themselves in the matter of preparation and publication of electoral rolls as well as consideration of claims and objections of the aggrieved persons. Proviso to Section 11 of the 1994 Act and Rule 6 of the 2000 Rules provides for amendment, transposition or deletion of any entry in the electoral roll or any inclusion of name in the electoral roll of the assembly constituencies concerned. Any person feeling aggrieved by the entries made in the electoral rolls published in terms of Section 11 of the 1994 Act read with Rule 5 of the 2000 Rules can lodge claim under Section 22 or

Section 23 of the Representation of the Peoples Act, 1950 before the Electoral Registration Officer up to the date of election notification and any change, amendment or modification made by the competent authority is required to be reflected in the electoral roll of the Gram Panchayat.

In the present case, the petitioners have neither pleaded nor any evidence has been produced before the Court to show that they had lodged claim or filed objection under Section 22 or Section 23 of the Representation of the Peoples Act, 1950. Therefore, they cannot be heard to make a complaint in regard to the alleged wrongful shifting of their names from Ward No.16 (New), Ward No. 13(Old) to Ward No.19 of Village Yenamalakuduru.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.17569 of 2006 filed by the petitioners for issue of interim stay is also dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

01.08.2006
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